

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARLA V. PATTERSON-FOWLER,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 08-15062

Hon. Gerald E. Rosen

Magistrate Judge Charles E. Binder

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 31, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On May 14, 2009, Magistrate Judge Charles E. Binder issued a Report and Recommendation ("R & R") recommending that the Court grant the Defendant Commissioner of Social Security's motion to dismiss on the ground that Plaintiff Carla V. Patterson-Fowler has failed to exhaust her administrative remedies before seeking judicial review. Plaintiff did not respond to Defendant's motion to dismiss, despite the Magistrate Judge's order directing her to do so, nor has she filed any objections to the R & R. Upon reviewing the R & R, Defendant's underlying motion to dismiss, and the record as a whole, the Court concurs in the analysis of the Magistrate Judge, and adopts the R & R in

its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's May 14, 2009 Report and Recommendation is ADOPTED as the opinion of this Court.

IT IS FURTHER ORDERED that, for the reasons stated in the R & R, Defendant's

March 6, 2009 motion to dismiss (docket #12) is GRANTED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 31, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 1, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud
Case Manager